



MEMO

Date: January 28, 2021

To: Rolf Anderson
Stormwater Task Force
Chairman, Stormwater Task Force

Cc: Dave Gustafson, Ellen Heather, Jeff Jardine, Hans Miller, Matt Ries, Lauren Pinkus, Zak Bradley, Wyatt Shields

From: Andre Prince, City of Falls Staff Liaison

Subject: Stormwater Task Force Green and Grey Infrastructure Projects Funding Sources

Purpose

This memorandum provides a descriptive summary of funding sources currently available to support the execution of green and grey infrastructure projects to be carried out in the City of Falls Church with Council approval upon recommendation of the stormwater task force. The selected projects will be executed in furtherance of the City's Watershed Management Plan.

Funding Sources

- 1. SLAF Funding:** Potential Stormwater Local Assistance Fund (SLAF) funding opportunity via **House Joint Resolution #552 filed Jan. 13 2021**. Details are summarized below.
 - House bill HB552 filed by Delegate Levine.
 - Parallel language filed by Senator Ebbin
 - Bill recommends DEQ conduct study related to SLAF
 - The bill does not request additional funding, however, it is a good step forward and the hope is the study will also recommend increased funding.
 - The bill resolved by the House of Delegates and Senate, seeks to form a joint subcommittee to study the development of a comprehensive and coordinated planning effort to address recurrent flooding in inland and urban areas across the Commonwealth. The joint subcommittee shall have a total membership of 13 members that shall consist of eight legislative members and five non-legislative citizen members.
 - The joint subcommittee shall complete its meetings for the first year by November 30, 2021, and for the second year by November 30, 2022.



- The chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year.
- Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document.
- **CFC Legislative Position:** Subcommittee to recommend DEQ research and come back with options for adding some SLAF scoring criteria that would include stormwater resiliency and capacity as part of SLAF scoring but not in lieu of water quality criteria. Both quantity and quality must be addressed. Additionally, recommend funding increase so full need is met as opposed to reducing existing pie when stormwater quantity projects are included as eligible.
- Initial intent of SLAF was to assist localities with projects designed to meet mandated nutrient reductions.

2. Community Flood Preparedness Fund:

The Community Flood Preparedness Fund is established pursuant to the Clean Energy and Community Flood Preparedness Act (the Act), which Governor Northam signed on July 1, 2020. Under the Act, forty-five percent of revenues from the sale of Regional Greenhouse Gas Initiative (RGGI) carbon allowances accrue to the Fund to be used “for the purpose of assisting localities and their residents affected by recurrent flooding, sea level rise, and flooding from severe weather events,” through a grant and loan program administered by DCR and the Virginia Resources Authority (VRA).

Priority Elements of the Fund:

Project Grants-- The primary purpose of the Fund is to reduce the impact of flooding across the Commonwealth of Virginia through tangible flood reduction projects. Whether it is the preservation of open space, the construction of levees and flood walls, updating stormwater or septic systems, strategically relocating homes, businesses, or infrastructure, or alternative solutions to flood risk reduction, the Fund will provide a long-term, consistent funding source to promote flood resilience in Virginia.

Planning Grants-- While certain localities and regions have taken major steps in developing and implementing comprehensive approaches to flood preparedness and resilience, many areas have yet to establish the necessary foundation for such activities, often because of a lack of resources. Therefore, it will be Commonwealth’s policy to encourage and assist in funding locality level flood resilience plans. The Fund will provide planning grants to help any locality that does not yet have such a plan develop one to help address its flooding or resilience needs in a comprehensive manner.



Study Grants-- While the ultimate objective of the Fund is to provide financial support for projects that reduce flooding, the Commonwealth and localities will need additional information to support project planning and prioritization, including vulnerability assessments, economic impact analysis, and environmental forecasting. The Fund will also prioritize these studies and research projects over the next several years

Program Goals—The Community Flood Preparedness Fund will provide support to regions and localities across Virginia to reduce the impacts of flooding including flooding driven by climate change. The fund will prioritize projects in concert with local, state and federal flood plain management standards, local resilience plans and Virginia Coastal Resilience Master Plan. The fund will empower communities to complete vulnerability assessments and develop and implement action-oriented approaches to bolster flood preparedness and resilience.

Statutory Requirement Guidelines for Expenditures:

The Community Flood Preparedness Fund
Statutory Requirements for the Fund (§ 10.1-603.25.)

All expenditures from the fund will be guided by these specific statutory requirements:

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| 1 Moneys in the Fund shall be used solely for the purposes of enhancing flood prevention or protection and coastal resilience. | 2 Priority shall be given to projects that implement community-scale hazard mitigation activities that use nature-based solutions to reduce flood risk. | 3 No less than 25 percent of the moneys disbursed from the Fund each year shall be used or set aside for projects in low-income geographic areas. | 4 Localities shall use moneys from the Fund primarily for the purpose of implementing flood prevention and protection projects and studies in areas that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager. |
|---|--|---|--|

Email: ResilientCoastVA@governor.virginia.gov

Eligible Entities:

The following entities may apply for grants from the Fund

- Localities
- PDCs (on behalf of localities)
- Soil and Water Conservation Districts
- Tribal Governments



3. Building Resilient Infrastructure & Communities (BRIC) Program:

The Federal Emergency Management Agency (FEMA) makes federal funds available through the new Building Resilient Infrastructures and Communities (BRIC) grant program to states, local communities, tribes and territories (SLTTs) for pre-disaster mitigation activities. BRIC is a new FEMA pre-disaster hazard mitigation program that replaces the existing Pre-Disaster Mitigation (PDM) program. The Disaster Recovery Reform Act, Section 1234; amended Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) and authorizes BRIC. The BRIC priorities are to:

- Incentivize public infrastructure projects;
- Incentivize projects that mitigate risk to one or more lifelines;
- Incentivize projects that incorporate nature-based solutions; and,
- Incentivize adoption and enforcement of modern building codes.

Available Funding:

For FY20, FEMA will distribute up to \$500 million through the BRIC grant program in the following manner:

- State/Territory Allocation: \$33.6 million (up to \$600,000 per Applicant). All 50 states, the District of Columbia, and U.S. territories may apply under the State/Territory Allocation.
- Tribal Set-Aside: \$20 million. All Indian tribal governments (federally recognized) may apply under the Tribal Set-Aside.
- National Competition for Mitigation Projects: \$446.4 million (estimated). Remaining funds which are not awarded from the State/Territory Allocation or Tribal Set-Aside will be included in the national competition.

Cost Share:

A cost share is required for all sub-applications funded under this program. The non-federal cost share may consist of cash, donated or third-party in-kind services, materials, or any combination thereof. FEMA will provide 100 percent federal funding for management costs. The cost share for BRIC is as follows:

- Generally, the cost share for this program is 75 percent federal/25 percent non-federal.
- Small impoverished communities¹ are eligible for an increase in cost share up to 90 percent federal/10 percent non-federal.
- For insular areas, including American Samoa, Guam, the Northern Mariana Islands, and the U.S. Virgin Islands, FEMA automatically waives the non-federal cost share for the Recipient when the non-federal cost share for the entire award is under \$200,000. The Recipient may request the waiver in its application.



Eligibility:

To be eligible for BRIC funding, FEMA will require the applicants and sub-applicants listed below to have a current FEMA-approved **Hazard Mitigation Plan** at time of application and award. Further, Section 203 of the Stafford Act requires the applicant meet the following criteria:

- **State or territory:** Must have received a major disaster declaration under the Stafford Act in the seven years prior to the annual grant application period start date.
- **Federally recognized tribe:** Must have received a major disaster declaration under the Stafford Act in the seven years prior to the annual grant application period start date or be entirely or partially located in a state that received a major disaster declaration in the seven years prior to the annual grant application period start date. A Federally recognized tribe is eligible to apply for a grant either as an applicant or sub-applicant. If a tribe requests to apply through the state, the state must meet the “seven-year” declaration criteria.
- FEMA must apply this seven-year requirement for each BRIC grant cycle. As of January 1, 2020, all states, federally recognized tribes, and territories satisfy these criteria.

FEMA will fund the following uses of assistance through BRIC:

- **Capability- and Capacity-Building Activities** can be submitted under the State/Territory Allocation and Tribal Set-Aside. These are activities that enhance the knowledge, skills, and expertise of the current workforce to expand or improve the administration of mitigation assistance.
- **Mitigation Projects** can be submitted under the State/Territory Allocation, Tribal Set-Aside, and the national competition. Mitigation projects are cost-effective projects designed to increase resilience and public safety; reduce injuries and loss of life; and reduce damage and destruction to property, critical services, facilities, and infrastructure.
- **Management Costs** can be submitted under the State/Territory Allocation, Tribal Set-Aside, and national competition. Management costs allow FEMA to provide financial assistance to reimburse the recipient and sub-recipient for eligible and reasonable indirect costs, direct administrative costs, and other administrative expenses associated with a specific mitigation project or C&CB activity.

FEMA will provide the following assistance through BRIC:

- **Non-Financial Direct Technical Assistance** to communities to build a community’s capacity and capability to improve its resiliency to natural hazards and to ensure stakeholders are capable of building and sustaining successful mitigation programs, submitting high-quality applications, and implementing new and innovative projects that reduce risk from a wide range of natural hazards.

Application Deadline: January 29, 2021 (3:00pm EST) | **Application Opening:** September 30, 2020